

□ 1647

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HANSEN) at 4 o'clock and 47 minutes p.m.

PRIVILEGES OF THE HOUSE— IMPEACHING KENNETH W. STARR

Mr. HASTINGS of Florida. Mr. Speaker, I rise to introduce a question of privilege pursuant to rule IX and call up House Resolution 545 for consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

RESOLUTION

Impeaching Kenneth W. Starr, an independent counsel of the United States appointed pursuant to 28 United States Code § 593(b), of high crimes and misdemeanors.

Resolved that Kenneth W. Starr, an independent counsel of the United States of America, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate;

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all the people of the United States of America, against Kenneth W. Starr, an independent counsel of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In his conduct of the office of independent counsel, Kenneth W. Starr has violated his oath and his statutory and constitutional duties as an officer of the United States and has acted in ways that were calculated to and that did usurp the sole power of impeachment that the Constitution of the United States vests exclusively in the House of Representatives and that were calculated to and did obstruct and impede the House of Representatives in the proper exercise of its sole power of impeachment. The acts by which Independent Counsel Starr violated his duties and attempted to and did usurp the sole power of impeachment and impede its proper exercise include:

(1) On September 9, 1998, Independent Counsel Kenneth W. Starr transmitted two copies of a "Referral to the United States House of Representatives pursuant to Title 28, United States Code, § 595(c)." As part of that Referral, Mr. Starr submitted a 445-page report (the "Starr Report") that included an extended narration and analysis of evidence presented to a grand jury and of other material and that specified the grounds upon which Mr. Starr had concluded that a duly elected President of the United States should be impeached by the House of Representatives. By submitting the Starr Report, Mr. Starr usurped the sole power of impeachment and impeded the House in the proper exercise of that power in various ways, including the following:

(a) In preparing the Starr Report, Mr. Starr misused the powers granted and violated the duties assigned independent counsel under the provisions of Title 28 of the United States Code. Section 595(c) does not authorize or require independent counsel to submit a report narrating and analyzing the evidence and identifying the specific grounds on which independent counsel believes the

House of Representatives should impeach the President of the United States. By submitting the Starr Report in the form he did, Mr. Starr misused his powers and preempted the proper exercise of the sole power of impeachment that the Constitution assigned to the House of Representatives. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

(b) In his preparation and submission of the Starr Report, Mr. Starr further misused his powers and violated his duties as independent counsel and arrogated unto himself and effectively preempted and undermined the proper exercise of power of impeachment that the Constitution allocated exclusively to the House of Representatives. Mr. Starr knew or should have known, and he acted to assure, that the House of Representatives would promptly release to the public any report that he transmitted to the House of Representatives under the authority of Section 595(c). With that knowledge, Mr. Starr prepared and transmitted a needlessly pornographic report calculated to inflame public opinion and to preclude the House of Representatives from following the procedures and observing the precedents it had established for the conduct of a bipartisan inquiry to determine whether a President of the United States had committed a high crime or misdemeanor in office meriting impeachment. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

(2) Independent Counsel Kenneth W. Starr further usurped and arrogated unto himself the powers that belong solely to the House of Representatives by using and threatening to use the subpoena powers of a federal grand jury to compel an incumbent President of the United States to testify before a federal grand jury as part of an investigation whose primary purpose had become and was the development of evidence that the President had committed high crimes and misdemeanors justifying his impeachment and removal from office. With respect to the President of the United States, the only means by which the holder of that office may be called to account for his conduct in office is through the exercise by the House of Representatives of the investigative powers that the constitutional assignment of the sole power of impeachment conferred upon it. Mr. Starr improperly used and manipulated the powers of the grand jury and his office to effectively impeach the President of the United States of America and to force the House of Representatives to ratify his decision. Mr. Starr thereby committed a high crime and misdemeanor against the Constitution and the people of the United States.

In all this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE II

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and his duties as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally undermine the office of President of the United States and obstruct, impede, and impair the ability of an incumbent President of the United States to fully and effectively discharge the duties

and responsibilities of his office on behalf and for the benefit of the people of the United States of America, by whom he had been duly elected. The acts by which Mr. Starr violated his oath and his duties and undermined the office of President and obstructed, impeded, and impaired the ability of the incumbent President to fully and effectively discharge the duties of that office include:

(1) Mr. Starr unlawfully and improperly disclosed and authorized disclosures of grand jury material for the purpose of embarrassing the President of the United States and distracting him from and impairing his ability to execute the duties of the office to which the people of the United States had elected him. Mr. Starr has thereby committed high crimes and misdemeanors against the Constitution and people of the United States.

(2) Mr. Starr engaged in a wilful and persistent course of conduct that was calculated to and that did wrongfully demean, embarrass, and defame an incumbent President of the United States and that thereby undermined and impaired the President's ability to properly execute the duties of the office to which the people of the United States had elected him, including not only Mr. Starr's wrongful disclosures of grand jury material, but also other improper conduct, such as his actions and conduct calculated to suggest, without foundation, that the incumbent President had participated in preparing a so-called "talking points" outline to improperly influence the testimony of one or more persons scheduled to be deposed in a private civil action. By his wilful and persistent conduct in misrepresenting as well as improperly disclosing evidence that he had gathered, Mr. Starr committed high crimes and misdemeanors against the Constitution and the people of the United States of America.

(3) Mr. Starr intentionally, wilfully, and improperly embarrassed the people and the President of the United States by including in the Starr Report an unnecessary and improper and extended detailed, salacious, and pornographic narrative account of the consensual sexual encounters that a grand jury witness testified she had with the incumbent President of the United States. By including the unnecessary and improper pornographic narrative, Mr. Starr intended to and did undermine and imperil the ability of the President to conduct the foreign relations of United States of America and otherwise to execute the duties of the office to which the people of the United States had elected him, and he knowingly and improperly embarrassed the United States as a nation. By including that narrative, knowing and intending that it would be published and disseminated, Mr. Starr committed a high crime and misdemeanor against the Constitution and the people of the United States of America.

In all of this, Kenneth W. Starr has acted in a manner contrary to his trust as an independent counsel of the United States and subversive of constitutional government, to the great prejudice of the cause of law and justice, and to the manifest injury of the people of the United States.

Wherefore Kenneth W. Starr, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE III

In his conduct of the office of independent counsel, Kenneth W. Starr violated the oath he took to support and defend the Constitution of the United States of America and the duties he had assumed as an officer of the United States and acted in ways that were calculated to and that did unconstitutionally arrogate unto himself powers that the Constitution of the United States assigned